

New law means students in country illegally now have to pay out-of-state tuition

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Written by

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She thought if she ignored it, maybe it would go away.

But after signing into her student account at Indiana University-Purdue University Indianapolis, there it was -- an electronic affidavit asking Sayra Perez to verify whether she was in the country legally.

"When I saw it, it felt really bad," said Perez, an undocumented U.S. resident who was born in Mexico and has lived here since she was 5. "It was like, oh my goodness, I can't believe they're really doing it."

That affidavit will more than triple Perez's tuition costs because she's no longer eligible for in-state rates. She's among about 300 undocumented students -- out of about 340,000 enrolled in Indiana's seven public colleges -- who have declared their status and will be required to pay the higher out-of-state rate because of changes in state law.

House Bill 1402 and Senate Bill 590, adopted in the last General Assembly, take away in-state tuition eligibility from students "not lawfully present" in the country; the Senate bill also eliminated any state or local aid or scholarships for these students.

The laws are necessary, supporters say, because undocumented students divert resources from legal residents.

With college classes starting up this week across Indiana, it's now adjustment time not only for undocumented students such as Perez, but for the universities as well. For some state colleges -- particularly Indiana University and Ivy Tech Community College, which previously allowed undocumented students to pay in-state tuition -- it means making changes to their policies.

For undocumented students, it means figuring out a way to pay tuition rates significantly higher than what they paid last year.

"Considering that a lot of these kids are first-generation college kids, even paying in-state tuition is a problem for some," said IU-Bloomington spokesman Mark Land. "These kids are being put in a challenging spot."

Indiana is one of six states, and the most recent, to bar undocumented students from getting the resident tuition rate. Others include Arizona, a state known for its strict anti-immigration laws.

Twelve states, including Texas, California and Illinois, allow undocumented students to get in-state tuition under certain requirements, such as graduation from a state high school and a certain number of years of residence in the state.

The rest don't have laws specifically mentioning tuition for undocumented students, although a 1996 federal law generally prohibits states from allowing them to pay in-state rates. However, that position has been weakened by court rulings declined for review by the U.S. Supreme Court.

Ann Morse, director of the Immigrant Policy Project with the National Conference of State Legislatures , said legislative supporters of undocumented students often argue that the state has already made an investment in the student and should continue to do so. All children are eligible for a K-12 education, regardless of legal status, according to a 1982 Supreme Court decision.

On the other side, Morse said, opponents say undocumented students take open spots and financial aid away from U.S. citizens. Undocumented students are not eligible for federal financial aid, according to federal law.

Rep. Mike Karickhoff, R-Kokomo, was a co-sponsor of the House bill that took away in-state tuition eligibility from undocumented students. He cited the example of his son-in-law, originally from Costa Rica, who paid out-of-state costs to go to Purdue.

"There are kids in our state that want to go to college," Karickhoff said. "The resources are limited. They should have to be a legal resident of the state."

Indiana, with a population of about 6.4 million, was home to an estimated 120,000 illegal immigrants as of 2009, according to the Pew Hispanic Center. That's out of an estimated 11.1 million nationally.

Before the immigration laws went into effect July 1, Indiana's seven public colleges had been left to make their own judgments about in-state tuition eligibility requirements.

Under certain stipulations, IU, Ivy Tech, the University of Southern Indiana and Vincennes University allowed undocumented students to get resident-rate tuition.

Purdue, Ball State University and Indiana State University did not.

In the past, IU required students to establish Indiana residency for at least a year to receive the in-state rate, regardless of legal status, Land said.

IU now requires students to sign an online affidavit, under penalty of perjury, as to whether they are in the country legally. Purdue and Ivy Tech are also using their student portals to verify students' status.

Of about 100,000 students in the IU system, an estimated 100 have declared themselves as undocumented so far, Land said. For those students, that's a difference of about \$20,000 in tuition payments a year.

"The presumption is that people understand the penalty for not telling the truth, and they'll do the right thing," Land said. "And that's what we're counting on."

Students do not have to provide any documentation on the affidavit at Indiana, nor do the about 120,000 students on Ivy Tech's campuses statewide.

Land said IU would not go "searching for people."

"We're not immigration agents. We're not the police," he said. "If it had been brought to our attention that someone had lied . . . then we would take the appropriate action."

Erick Gama, an undocumented IU-Bloomington junior from Indianapolis, understood the risk. He signed the affidavit, declaring himself as undocumented.

After all, the 20-year-old already had a misdemeanor on his record. He was one of five students arrested in May while protesting the new immigration laws at the Indiana Statehouse.

Erick and his twin brother, Uriel, will go part time for at least the fall to save money. Erick said his parents are trying to sell their house so the brothers can go full time again, allowing Erick to finish his interior design degree by May 2013.

"We're going to get a degree; we're going to graduate. What do we do after?" Erick said. "We can't really work."

Perez, who paid her way through her freshman year at IUPUI working a fast-food job, also faces much higher costs. Last year, her tuition bill for a full class load was \$3,200; this year she will pay about \$4,500, taking only two classes.

"I just want to go to school; is that that bad?" said Perez, who also was arrested at the Statehouse protest. "Do you know how many kids don't want to go to school?"

But college students born in the U.S. also strain to pay for school. Emily Alford, 19, Pleasant View, took out about \$16,000 in loans last school year.

"Everybody should have an education, but there are those struggling like me," said Alford, an IU-Bloomington sophomore. "I feel like saying it should all be fair is immature, but helping out those who . . . pay their taxes and are citizens should come first."

Perez would remind detractors that her family does contribute to the tax base. Her mom, who has a visa and is in the country legally, owns their house and pays property taxes, Perez said.

"It just feels really bad that there are people who think that we don't deserve to be here," Perez said. "It's not like that. I have a job; I pay taxes."

It's too late for Perez to return to Mexico, she said. It'd be a whole different world from when she was 5 years old.

The DREAM Act, an acronym for Development, Relief and Education for Alien Minors, would provide a path to citizenship for students like Perez. The bill was introduced in 2001 and was most recently reintroduced in May in the U.S. Senate.

For now, Perez will work her \$7.50-an-hour job to go toward paying for her biochemistry degree.

Perez's mother helps her pay for some of the costs, though her mom also doesn't see the point -- she'll have a hard time getting a job without legal status, after all.

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College students (from left) Sayra Perez, 19; Ana Ruiz-Tovar, 23; and Erick Gama, 20, were among those arrested in May while protesting the new immigration laws at the Indiana Statehouse.

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Continued from A1

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